



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MPA/173500

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 06, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance (MA), a hearing was held on May 16, 2016, at Superior, Wisconsin.

The issue for determination is whether the petitioner is entitled to medical assistance reimbursement for a root canal.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

█  
█

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Dr. [REDACTED]

Division of Health Care Access and Accountability  
1 West Wilson Street, Room 272  
P.O. Box 309  
Madison, WI 53707-0309

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Douglas County.
2. The petitioner requested a root canal on tooth #3 on March 3, 2016.
3. The requested root canal is unlikely to prevent the petitioner's tooth from being extracted.

## DISCUSSION

The petitioner appeals the denial of his request for a root canal on tooth #3, a molar. A root canal removes infected pulpal tissue from the tooth and replaces it with a filling to prevent the loss of the tooth. The department has published online guidelines that it uses to determine whether to approve a root canal. Dr. [REDACTED] of the Office of Inspector General relies upon *Wisconsin Medicaid Online Handbook*, Topic # 2881 for the denial, quoting the following language:

Root canal therapy should only be provided when there is a strong likelihood that the treatment will be successful and definitive (i.e., that it will not later result in extraction).

The petitioner's own dentist confirms that the tooth will probably have to be extracted soon even with a root canal. The petitioner believes that this evidence should be ignored because she has only been seeing this dentist for a couple years and the dentist doesn't understand the petitioner's teeth. The petitioner points out that she had other root canals done where the prognosis was poor, but those teeth are still intact.

The length of time a dentist has treated someone should not have much effect on the dentist's ability to determine whether a particular tooth will hold up after a root canal. I must rely on medical evidence when making this decision, and both dentists who have reviewed this matter agree that the root canal will not successfully treat the petitioner's tooth. If I found in the petitioner's favor under these circumstances, my decision would be based purely upon speculation, which it cannot be. Therefore, I will uphold the department's denial.

## CONCLUSIONS OF LAW

The department correctly denied the requested root canal because the petitioner has not shown by the preponderance of the evidence that it is medically necessary.

**THEREFORE, it is**

**ORDERED**

The petitioner's appeal is dismissed.

## **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

## **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 17th day of May, 2016

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\s\sMichael D. O'Brien  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on May 17, 2016.

Division of Health Care Access and Accountability